

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATHY L. PAYNE,

Plaintiff,

vs.

Civil Action 2:09-cv-00508

Judge James L. Graham

Magistrate Judge E. A. Preston Deavers

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

This matter is before the Court for consideration of the July 14, 2010, Report and Recommendation of the Magistrate Judge (Doc. 15). The Magistrate Judge recommended that the Court reverse the Commissioner of Social Security's non-disability finding and remand this case to the Commissioner for further proceedings consistent with the Report and Recommendation.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation, Doc. 15 at 46.) The time period for filing objections to the Report and Recommendation expired. Defendant has not objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge

Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b).

Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **REVERSES** Commissioner of Social Security's non-disability finding and **REMANDS** this case to the Commissioner for furthering proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

S/ James L. Graham

James L. Graham

UNITED STATES DISTRICT COURT

Date: August 11, 2010